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SUBJECT: SEZER VETO CALLS SIIRT ELECTIONS INTO QUESTION

Classified by acting Political Counselor Nicholas S. Kass.

Reason: 1.5(b)(d)

1. (C) President Sezer's Dec. 19 veto of a constitutional amendment package, which is designed to reinstate AK Leader Erdogan's political rights and clear the way for his entry into government (septel), calls into question the date for the "new" elections in Siirt Province and Erdogan's immediate political future.

2. (C) Pursuant to a petition by AK, the Nov. 3 national election results in Siirt had been invalidated Dec. 9 by the Supreme Election Board (YSK), due to local electioneering shenanigans. AK had seen Siirt as an opportunity to elect Erdogan to the Parliament, from where he could formally assume the duties of Prime Minister.

3. (C) Now, however, whether Erdogan would stand for elections in Siirt is an open question, made more complex by both the veto and the evolving political situation on the ground there.

-- Given the uncertainty surrounding the constitutional amendment package, the YSK never officially announced an election date and calendar, though the virtual effect of its Dec. 9 decision to invalidate the Siirt results was to establish a Feb. 9 date.

-- The constitutional package includes a provision that would have pushed the Siirt poll back to March 9. By late February, Erdogan's 3-year ban from "active" politics will have run its course, allowing him to appeal for reinstatement of his legal rights: enacting the package would improve Erdogan's prospects for success.

-- If a referendum on the vetoed package is called by Sezer, its timing could be critical. The Siirt option could be denied to Erdogan if the elections are held Feb. 9, without the adoption of constitutional changes and while Erdogan's ban still holds.

-- According to press, some polls are showing Siirt voters are miffed that AK had the provincial election results annulled. Moreover, several sources tell us CHP is trying to cut a deal with the pro-Kurdish DEHAP (Democratic People's Party), which is far and away the most popular party in the province.

4. (C) AK is currently scouring the legal system for other ways to get Erdogan into the legislature. According to press, one possibility involves amending and expanding the amnesty provisions in the Turkish Press Law. AK submitted a draft to the TGNA President's Office Dec. 19, concerning the law on "postponement of court cases and punishments related to crimes committed through press and publications" (AKA Law No. 4454).

-- AK's draft proposes that those who have been convicted, and who have served their sentences, for crimes under Turkish Penal Code Art. 312 should be treated as if they never committed the crime in question -- provided that they do not commit the same crime again before the amendment is formally enacted. Erdogan was convicted and stripped of his political rights under art. 312 (inciting religious/ethnic hatred) in 1999. Current law could be read to make him ineligible to run for office even after his ban ends.

-- One Parliamentary expert expressed to us his doubts that such a proposal would be workable absent constitutional amendments. Given Sezer's veto of the constitutional package on grounds that it was geared toward one person -- Erdogan --

we expect the President would oppose such a plan.
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